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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,138	03/01/2002	Stephen Liscinsky	43269	2695

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EXAMINER

KITOV, ZEEV

ART UNIT PAPER NUMBER

2836

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/085,138

Applicant(s)

LISCINKSY, STEPHEN

Examiner

Zeev Kitov

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1 - 18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).

10. ☐ Other: _____

GREGORY J. TATLEY, JR.
PRIMARY EXAMINER

See attached Comments.

Comments.

Applicant's arguments presented in the After Final Remarks have been given full consideration, but found unpersuasive. Therefore, the rejection presented in the Final Office Action is upheld. Examiner agrees with the Applicant that the Tran reference does not teach the three-phase supervision circuit, but instead a DC supervisory circuit. However, this fact does not change the validity of the Tran reference as being used in the rejection under the rule USC 103(a). A reason for that is that the delay circuit of Tran has nothing to do with the AC or DC supervision. His delay circuit is built in the part of the device, which is remote from the primary voltage sensors (dealing with DC voltage supervision) by at least a couple of stages. At this location the delay circuit structure and activity is not affected at all by a character of monitored voltage (whether it is AC or DC).

The applicant apparatus (like the Tran apparatus) uses the delay circuit in the stage, which is remote from the primary AC sensors by at least a couple of stages. And exactly like the Tran device, the Applicant's delay circuit is not affected by a character of the monitored signal, (whether it is AC or DC). Both Holmquest and Tran patents have the same problem solving area, namely providing the power supervision and protection. In a view of above, use of the Tran's patent as a secondary reference for the rejection under the rule USC 103(a) is correct.

GREGORY J. TOATLEY, JR.
PRIMARY EXAMINER